IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CLARK DISTRIBUTION SYSTEMS, : CIVIL ACTION NO. 1:10-CR-2575

INC., : (consolidated)

Plaintiff : (Chief Judge Conner)

:

v.

:

ALG DIRECT, INC.,

Defendant :

THE CLARK GROUP, INC., :

Plaintiff :

:

v.

:

ALG DIRECT, INC.,

Defendant/Third Party Plaintiff:

:

v.

CLARK DISTRIBUTION SYSTEMS, :

INC.,

Third-Party Defendant :

ORDER

AND NOW, this 29th of May, 2014, upon consideration of plaintiff Clark Group, Inc.'s ("Clark") motion (Doc. 114) for reconsideration of the court's order (Doc. 110) denying plaintiff's omnibus motion (Doc. 65) for summary judgment, dated March 31, 2014, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

- 1. Clark's motion (Doc. 114) for reconsideration is GRANTED.
- 2. The order of the court dated March 31, 2014 (Doc. 110) is VACATED in part, insofar as it denies Clark's motion (Doc. 65) for summary judgment in the Sublease case.

- 3. Clark's motion (Doc. 65) for summary judgment on its breach of contract claim in the Sublease case is GRANTED.
- 4. The Sublease case shall remain open pending resolution of ALG's third-party complaint against CDS for liability on the sublease. The parties are to meet and confer regarding whether the court's decision invalidates ALG's third-party complaint. If the parties' positions on this issue differ, the parties shall submit letter correspondence to the court outlining their respective arguments.
- 5. The Clerk of Court is directed to defer entry of judgment in favor of Clark and against ALG on Clark's breach of contract claim in the Sublease case until the close of the case.

/S/ Christopher C. Conner

Christopher C. Conner, Chief Judge United States District Court Middle District of Pennsylvania